

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Administration of the North
American Numbering Plan

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CC Docket No. 92-237

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JUN 30 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

REPLY COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

Mark J. Golden
Personal Communications Industry Association
1019 Nineteenth Street, N.W.
Washington, D.C. 20036
(202) 467-4770

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Reply Comments of the
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"), herewith submits its reply to comments filed in the above-captioned docket.

I INTRODUCTION & SUMMARY

PCIA's original comments in this docket advanced four principles to ensure that the North American Numbering Plan ("NANP") is administered in a non-discriminatory and pro-competitive manner. The comments filed in response to the Commission's Notice of Proposed Rulemaking illustrate broad support for PCIA's principles. As discussed below, PCIA's principles offer an open and comprehensive approach to numbering policy development and administration of the NANP, provide fair and equitable treatment for all NANP resource users, and addresses the continued disparate treatment of the wireless industry on critical numbering issues such as Numbering Plan Area ("NPA") relief planning and implementation.

PCIA would also like to bring to the Commission's attention the flagrantly discriminatory treatment of the wireless industry by some local exchange carriers ("LECs") acting in their capacity as Central Office ("CO") code administrators in the area of Numbering Plan Area ("NPA") relief planning. PCIA, in the strongest terms possible, urgently requests

the Commission to use this opportunity to direct the local exchange carriers, as the sole administrators of the fundamental, public resource of CO codes, to negotiate in good faith with, and treat in an equitable and fair manner, all affected entities during the process of NPA relief planning and implementation.

II DISCRIMINATORY TREATMENT OF THE WIRELESS INDUSTRY BY SOME LECS ACTING IN THE CAPACITY OF NPA RELIEF PLANNERS MUST BE ADDRESSED IMMEDIATELY BY THE FCC.

PCIA welcomes the opportunity to bring to the Commission's attention the unacceptable treatment of the wireless industry by several major local exchange carriers, acting in the capacity of CO code administrators and NPA relief planners in the process of NPA relief planning and implementation in Chicago, Los Angeles, and New York City. In each of these key telecommunications markets, the dominant LEC, in its capacity as NPA relief planner, has announced (and in the case of New York, implemented in 1992) a "wireless overlay" which includes the requirement that all wireless carriers in the exhausting NPA return their numbers, and move all of their subscribers to a new overly NPA code.

PCIA notes that it does not oppose the relief method chosen--an overlay NPA in which a new NPA serves the exact same area as one or more existing NPAs. However, PCIA and the wireless industry are inalterably opposed to the implementation method chosen by NYNEX in New York in 1992, and more recently to the implementation methods chosen and announced by Ameritech in the Chicago area and Pacific Bell and GTE in the Los Angeles area. The method chosen by the wireline carriers in these market has in all three cases been to impose inequitable burdens on wireless carriers in the exhausting NPAs (310 in the Los Angeles area, 708 and 312 in Chicago and the surrounding area, and 212 and 718 in New York City) and move many or, more often, all of their subscribers to a new overlay NPA code.

Notwithstanding the good intentions of code relief planners, the impacts of implementation of such NPA relief is flagrantly discriminatory and poses a serious anti-competitive threat for the following reasons:

1. One sector of the industry--the wireless industry--is forced by the unilateral decision of another sector of the industry--the wireline sector--to bear the overwhelming proportion of cost and inconvenience associated with such an NPA relief implementation plan.
2. In each of the public announcements of the intention to create wireless overlay NPAs with a forced relocation of existing wireless subscribers to the new NPA overlay code, the self-serving argument is made that the relief method and implementation was chosen to avoid disruption to the majority of customers. While it is true that most of the LEC's own wireline customers are being insulated from any disruption, such assertions ignore the reality that every wireless customer faces disruption.¹
3. The LECs involved take the position that such NPA overlays are the least disruptive to the public, which is simply not true when overlays are implemented in the manner proposed. Overlays are truly the least disruptive when upon NPA exhaust, all future numbers are assigned from the new overlay NPA code, not when one sector (the wireless industry, representing over 1 million numbers in the Chicago area alone) is forced to return numbers at great expense and inconvenience, and is then permanently excluded from certain NPA codes.

¹ Ameritech goes so far as to note in its press release of June 20, 1994 announcing the new overlay NPA code for the Chicago area that the forced wireless overlay relief method and implementation was chosen specifically to avoid NPA changes for [its own] residential and business customers.

4. Wireless carriers are being forced to return all numbers in NPAs associated around the world and across the country with American centers of finance, entertainment, and industry, and which, not coincidentally, represent some of the richest telecommunication markets as they rank first, second, and third in population. The result is code relief which preserves some of the "best" numbering resources in these markets for the LEC's own wireline customers' needs and future growth, to the detriment of the wireless industry.
5. The underlying rationale of such code relief implementation is clearly trying to protect the wireline customer base, to the greatest extent possible, from the effects of NPA code relief, by shifting as much of the burden as possible onto the wireless industry. These burdens go beyond the sheer expense of reprogramming wireless terminals and switches and notifying and educating wireless subscribers. All calls both to and from the new "wireline only" NPAs and the new "wireless only" NPAs must use 10 or even 11 digit dialing, while preserving the convenience associated with 7 digit dialing for most local calling for the LEC's wireline customers.²
6. PCIA notes that Ameritech (which has advocated competition at the local level), GTE, and Pacific Bell are silent on the issue of whether wireless carriers who may offer a wireless local loop service competing directly with the LEC's own wireline business will be able to obtain numbers in the "wireline only" NPAs. It may be assumed that since the method of transmission apparently determines from which NPA an entity will be

² PCIA notes that seven digit dialing is available between calls originating from and destined for wireless terminals in the proposed, new "wireless only" NPAs. Notwithstanding this fact, it is well known by any telecommunications service provider that currently the vast majority of traffic is originated by, or is destined for, a wireline terminal. Forcing customers to dial ten digits when making a local call accessing a wireless terminal from a wireline terminal and vice versa, while preserving simpler seven digit dialing for local wireline to wireline traffic, has significant implications.

allowed to request numbers, the argument is inevitable that "wireline only" NPAs are for "wireline only" competitors. This would place the LEC's future wireless competitors at a distinct disadvantage by forcing potential wireless local loop customers to change area codes in order to change local service providers. Wireless local loop customers would not only have to change area codes, but would also need to dial at least ten digits, for example, in order to reach a next door neighbor who retained the LEC's local service (and vice versa), and that neighbor would in turn likely need to dial only seven digits to reach another neighbor who also retained the LEC's local service.

The marketing implications for the wireless industry cannot be overstated.

PCIA stresses that not all LECs acting in the capacity of NPA relief planners have acted in such a discriminatory manner or proposed actions fraught with so many anti-competitive implications. PCIA also notes that the Industry Numbering Committee ("INC") a consensus-based organization sponsored by the Industry Carriers Compatibility Forum ("ICCF"), is actively addressing NPA relief planning guidelines.

PCIA cautions the Commission against total reliance upon such guidelines, which have yet to be completed, to fully address the competitive issues associated with NPA relief which the wireless industry is currently facing.

Regardless, such treatment of the wireless industry in the top three American markets does not bode well for the future, particularly with numerous NPAs associated with major American markets expected to exhaust in the next several years.

PCIA, in the strongest possible terms, urgently requests the Commission to use this opportunity to direct LECs, as the sole administrators of the critical public resource of CO codes, to negotiate in good faith with, and treat in an equitable and non-discriminatory manner, all affected entities during the process of NPA relief planning and implementation.

III THE FCC SHOULD RECOGNIZE AN INDUSTRY OVERSIGHT COMMITTEE OPEN TO ALL INTERESTED PARTICIPANTS WHICH WOULD OVERSEE AN INDUSTRY NUMBERING FORUM AND NORTH AMERICAN NUMBERING PLAN ADMINISTRATION.

PCIA has long advocated the separation of numbering policy development from the ministerial implementation of numbering policy and assignment guidelines. Consistent with this model, PCIA requests the Commission to recognize an industry Oversight Committee, open to all interested participants, which would oversee an industry numbering forum and the North American Numbering Plan Administration ("NANPA").

The opening comments express support across a broad cross-section for the above described model. It should be noted that PCIA, in the strongest terms, continues to support an open membership Oversight Committee, an approach which is supported by a wide range of commentors³.

PCIA notes that some commentors express support for a "closed" or "representative" Oversight Committee⁴. PCIA continues to oppose such an approach for several key reasons:

³ See Comments of BellSouth, Alliance for Telecommunications Industry Solutions ("ATIS"), American Personal Communications ("APC"), Ameritech, AT&T, Cellular Telecommunications Industry Association ("CTIA"), Cincinnati Bell, GTE, Pacific Bell, Sprint, Stentor, and U S West.

⁴ Air Touch, American Mobile Telecommunications Association ("AMTA"), ALTS, Bell Atlantic, Metropolitan Fiber Systems ("MFS"), and NYNEX.

1. By definition, a representative approach means that some directly affected parties will be excluded from full Oversight Committee participation and voting.
2. The inherent assumption that every individual member of an "interest group" has exactly congruent business interests in all issues, and can thereby be represented by another company or a third party such as an association, on every issue, does not reflect reality.
3. What constitutes "representative" is highly subjective.

PCIA is opposed to an Oversight Committee which is "representative" as completely unworkable. Deliberately excluding an entity or entities which will be directly affected by Oversight Committee decisions, which may be made by an entity's competitors, makes charges of anti-competitive behavior and litigation virtually unavoidable. Not only is the assumption that the interests of individual entities of a single interest group exactly the same on every issue inherently unrealistic, but the term "representative" is highly subjective and prone to widely varying interpretations.

PCIA points to the proposal in NYNEX's comments⁵ as illustrative of a worst-case "representative" approach. The NYNEX proposal would guarantee local exchange carrier ("LEC") domination of the Oversight Committee by initially reserving 55% of the seats for the LECs, including a seat for NYNEX. A mere 11% of the remaining seats would be held by wireless carriers or their representatives, and initially, new PCS entrants and the paging industry are specifically excluded.

⁵ See NYNEX pages 6-7.

In the face of such self-serving arguments, PCIA recommends that the Commission avoid entangling itself or the industry in such unproductive endeavors as trying to determine what constitutes a "representative body" and recognize an Oversight Committee which is open to any interested World Zone 1 participant. PCIA also notes that the issues associated with a "representative" Oversight Committee which PCIA has outlined in its comments and in these reply comments are among the reasons that major industry fora, such as the Industry Numbering Committee ("INC") and Future of Numbering Forum ("FNF"), operate under the open participation concept.

IV THE FCC SHOULD DESIGNATE A SPONSORING ORGANIZATION FOR THE OVERSIGHT COMMITTEE AND INDUSTRY NUMBERING FORUM AND SHOULD REQUIRE THAT THE NANP ADMINISTRATOR BE AN INDEPENDENT, THIRD PARTY CONTRACTOR.

The opening comments express near universal support for the PCIA position that the Commission should designate a sponsoring organization for the Oversight Committee and Industry Numbering Forum and should require that the new NANP Administrator be an independent, third party contractor.

However, several parties expressed reservations regarding the Commission's tentative endorsement of ATIS as a potential sponsoring organization, based primarily on its strong historic and continuing affiliation with the LEC industry.⁶ PCIA itself expressed concerns regarding the potential for deliberate or unintentional influence that a sponsoring organization may exert upon the Oversight Committee, Industry Numbering Forum, and NANPA. PCIA believes, however, that such concerns can be addressed by the FCC requiring the sponsoring organization to acknowledge and meet the following conditions:

⁶ See Ad Hoc Telecommunications Users Committee, Allnet, ALTS, MFS, Telaccess, and Vanguard.

1. Sponsorship would convey no special or exclusive rights to the sponsoring organization or any sponsoring organization members beyond that of any other participant in the Oversight Committee and Industry Numbering Forum. Specifically, the sponsoring organization would exercise no special rights in such matters as:
 - a. The selection or appointment of any potential leadership or staff positions within an Oversight Committee, Industry Numbering Forum, or NANPA;
 - b. The development or approval of numbering policy;
 - c. The administrative supervision of the future NANPA.
2. The sponsor must recognize that NANPA will follow only those numbering policies and procedures developed and approved by the Industry Numbering Forum and Oversight Committee respectively, and decisions of the regulatory bodies with jurisdiction of countries participating in the North American Numbering Plan;
3. The sponsor recognizes that the Oversight Committee and Industry Numbering Forum answer only to those regulatory bodies with jurisdiction of countries participating in the North American Numbering Plan.

PCIA also proposes that should the Commission empower the sponsoring organization to select the new NANP Administrator, that the Commission both require that the Administrator be a completely neutral third party, and that the opportunity for industry input be made available. This could be achieved by a request for proposals ("RFP") process initiated by the

sponsoring organization as the legal NANPA contract holder and reviewed by both the sponsoring organization and the Oversight Committee.

V IN ORDER TO MINIMIZE POTENTIAL ISSUES ASSOCIATED WITH A NANPA TRANSFER, A PHASED APPROACH SHOULD BE USED IN THE TRANSFER FROM BELLCORE OF NANPA AND ADMINISTRATIVE FUNCTIONS ASSOCIATED WITH THE LERG, BRADS, AND RDBS, AS WELL AS THE CENTRALIZATION OF CENTRAL OFFICE CODE ADMINISTRATION WITHIN IN THE NEW NANPA.

The opening comments expressed broad support for the PCIA position that central office ("CO") code administration should be centralized within the new NANPA⁷. PCIA cannot express more strongly to the Commission that centralization of CO code administration, as soon as practicable, is the only way to ensure uniform application and interpretation of numbering guidelines on a national basis. PCIA points to the continuing disparate treatment of the wireless industry in numbering areas such as NPA relief planning in several major metropolitan areas as further grounds for centralization of CO code administration as soon as feasible.

PCIA notes the concern expressed by some parties that the new NANPA may need a period of adjustment in order to ensure a smooth transition, and concerns regarding the potential for valuable local input to be lost upon centralization of CO code administration functions within the new NANPA. PCIA continues to believe that the phased, timeline approach towards transfer of NANPA and NANPA related functions, as advocated by PCIA, is a practical solution to many of the concerns expressed. PCIA also notes that there are many potential solutions to the issue of local input into CO code administration and related functions such as NPA relief planning. Such solutions might include NANPA staff being assigned geographic regions or areas for which they are responsible for monitoring and soliciting local

⁷ See Ad Hoc Telecommunications Users Committee, Air Touch, Ameritech, AMTA, AT&T, APC, BellSouth, GTE, McCaw, MCI, Nextel, Sprint, Teleport, and Vanguard.

concerns, permanent and/or rotating NANPA staff based within regional areas, or formalized mechanisms for soliciting local input. Regardless, PCIA believes that the industry is optimally suited to determine the best solution towards ensuring local input and that this issue should in no way impede a Commission-mandated transfer of CO code administration from the local exchange carriers to the new NANPA as soon as practicable.

VI THE COMMISSION SHOULD ADOPT A FAIR AND EQUITABLE COST-BASED METHOD OF FUNDING THE NEW NANPA AND ASSOCIATED ACTIVITIES, THROUGH APPROPRIATE REVISION OF AN EXISTING FUNDING INFRASTRUCTURE TO ENSURE THAT ALL NANP RESOURCE USERS PARTICIPATE IN THE FUNDING OF NANPA AND ITS RELATED ACTIVITIES.

PCIA notes that the opening round comments generally expressed broad support for PCIA's positions, as developed by the Future of Numbering Forum, that the funding method which the Commission adopts be cost based and meet the following basic principles:

1. All users of NANP resources should share in the funding of NANPA and its associated activities.
2. The cost of administering the funding mechanism should not outweigh the benefit of any funding mechanism.
3. The funding mechanism should be competitively neutral and apply consistently to all users.
4. The mechanism should continue to support the current international integrated World Zone 1 structure.

5. An enforcement mechanism is need to ensure that all users of NANP resources contribute their fair and appropriate share to the funding of NANPA and its associated activities.

PCIA, as noted in the association's comments, suggests that the Commission adopt an existing funding infrastructure with appropriate revisions to ensure that all NANP resource users contribute to the funding of NANPA and its related activities. Such as approach is perhaps the easiest and most resource efficient method to achieve full funding of NANPA and NANPA related activities without creating a significant additional administrative structure and related expense. PCIA continues to oppose creation of an entirely new funding infrastructure as an inefficient use of FCC and industry resources. Finally, PCIA notes that its suggested NANPA funding principles do not impose a significant additional burden upon the Commission, therefore PCIA does not believe that the Commission must collect additional fees beyond those described.

VII CONCLUSION

The Commission should adopt the following actions to ensure that the North American Numbering Plan is administered in a non-discriminatory and pro-competitive manner:

1. PCIA, in the strongest terms possible, urgently requests the Commission to direct the local exchange carriers, as the sole administrators of the fundamental, public resource of CO Codes, to negotiate in good faith with, and treat in an equitable and fair manner, all affected entities during the process of NPA relief planning.
2. The Commission should recognize an industry numbering Oversight Committee open to all interested parties operating on a consensus basis which would oversee an Industry Numbering Forum ("INF") that is also open to all interested parties and operating on a consensus basis, and which would also oversee a new North American Numbering Plan Administrator.
3. The Commission should designate a sponsoring organization for the Oversight Committee and Industry Numbering Forum and should require that the NANP Administrator be an independent, third party contractor.

4. The Commission should adopt a phased, timeline approach in the transfer from Bellcore of the NANPA and associated database functions and the centralization of central office code administration in the new NANPA.
5. The Commission should adopt a fair and equitable cost-based method of funding the new NANPA and associated activities, through appropriate revision of an existing funding infrastructure to ensure that all NANP resource users participate in the funding of NANPA and its related activities.

These actions will promote the continued growth and development of the personal communications industry.

Respectfully submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

by:



Mark J. Golden
Acting President &
Vice President, Government Relations
Personal Communications Industry Association
1019 Nineteenth Street, N.W.
Washington, D.C. 20036

June 30, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 1994, I caused copies of the foregoing "Reply Comments of the Personal Communications Industry Association" to be hand-delivered to the following:

Peyton L. Wynns
Federal Communications Commission
1250 23rd Street, N.W.
Room 100
Washington, D.C. 20554


Bethany G. Smith